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International Norms and European Policy Making: Trafficking in Women in the EU

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“Trafficking and related practices such as debt bondage, forced prostitution and forced labor are violations of the most basic of all human rights. The right to life; the right to dignity and security; the right to just and favorable conditions of work; the right to health and the right to equality. These are rights, which we all possess - irrespective of our sex, or nationality, our social status, our occupation or other difference. (...) It is a basic human rights issue because it involves such a massive and harmful form of discrimination.”

Mary Robinson, UN High Commissioner for Human Rights, 1999

Abstract

This paper seeks to explore a striking puzzle of EU policy-making – namely the question how and why the EU even though the problem of trafficking in women continued to exist since the 1970s all the sudden began to put trafficking on its political agenda. Since 1995 the EU not only passed numerous resolutions and recommendations, but also launched public awareness campaigns and costly policy programs such as *Stop* and *Daphne*. In order to solve this policy puzzle I employ a norm-oriented constructivist approach. I argue that the latest EU activities against trafficking in women can be explained by the „revitalization“ and implementation of the anti-trafficking norm on the European level. The move from norm-adoption to norm-implementation was possible through the interplay of various enabling factors such as actors comprising a „velvet triangle“, political opportunity structures, and effective frames that allowed norm-linking. „World time“ (see Risse et al. 1999) i.e. a particular historical setting beneficial for norms, their diffusion and implementation appears as a central feature in the case. In this sense the paper does not investigate how to explain the deepening of human rights, but rather concerns itself with its effects.

In a first step, I scrutinize the policy-puzzle that guides this work, describe the quality and dimension of the phenomenon of trafficking in women, and trace the EU’s reaction to the problem. In a second step, I propose a norm-based constructivist approach focusing on actors, frames, and political opportunity structures for solving the policy puzzle. Finally, I consider alternative explanations before reflecting on common theoretical propositions concerning norm-success on the base of the empirical results of the trafficking case-study.

traf·fic (traf'fk) **n.**[Fr. *trafic* < It. *traffico* < *trafficare*, to trade] **1.** org., a.) transportation of goods for trading **2.** buying and selling; barter; trade, sometimes, spec. of a wrong or illegal kind

Webster's New World Dictionary

Introduction

“EU nations join forces against sex slavery” screamed the headline of the British Independent in fall 2001¹ when the Council of Ministers of the European Union had reached political agreement on the first framework decision to combat trafficking in human beings.² After more than a year of preparations and involved negotiations, NGO-engagement and public campaigns of the Commission, the agreement marked a major step and the culmination of the European Union's activities in the fight against trafficking in human beings.

Trafficking in women for sexual exploitation is among the most common forms of contemporary slavery.³ Victims of this sex trade are deprived of their most elementary fundamental human rights, including the right to bodily integrity. The United Nations and the International Organization for Migration estimate that at the dawn of the 21st century four million people are trafficked world-wide with up to 500,000 victims of trafficking entering the European Union.⁴ Experts agree that the number of victims is steadily on the rise. The flows from Central and Eastern European countries have dramatically increased, in addition to the already existing flows from Africa, Latin-America, the Caribbean and Asia. The trade in human beings is one of the fastest-growing businesses world-wide generating several billion dollars annually.

¹ The Independent, 29/9/2001.

² Contention exists among scholars concerning a precise definition of the term “trafficking in human beings” (see Meese et al. 1998; Kelly/Regan 1999; Morrison 2000). States, NGOs and international organizations also differ in their perceptions of what trafficking involves, which constitutes a serious obstacle to comprehending the complexity of the problem (IOM 2000: 18). In the context of this work trafficking in human beings is understood according to the new UN-protocol of 2000 that for the first time provided a definition of the term at the international level. Accordingly, trafficking in human beings shall mean the recruitment, transportation, transfer, harboring or receipt of persons involving elements of coercion, deception, violence, physical and psychological abuse for the purpose of exploitation. Trafficking in women is a sub-concept of the broader definition of trafficking in human beings (Kelly/Regan 1999) sharing all characteristics of other migrant trafficking, but involving “more devastating human costs” (Ghosh 1998; see also Taran 1994; Hirsch 1996).

³ Other forms of contemporary slavery include debt-bondage, forced labor, child labor and child soldiers (see Arlacchi 2000). Even though this work concentrates on trafficking in women which are disproportionately affected by sexual exploitation it is important to note that also children - girls and boys - and men increasingly become victims of the sex trade.

⁴ As there is hardly any official data due to the underground nature of the problem these numbers are only rough estimates and vary greatly depending on the cited source. See for a detailed account of the problem associated with statistical data on trafficking in human beings IOM (2000: 29ff).

Vis-à-vis this grim picture the latest EU framework decision, which harmonized definitions of trafficking in human beings and established equal sentences for traffickers in all EU member states, appears as not much more than a drop in the ocean. However small this may be, it still constitutes an important attempt of coordinated action to fight trafficking in women in the European Union. In fact, the Council's agreement only marks the latest step of a sequence of activities in the fight against trafficking in women that have started at European level since the second half of the 1990s. Actions at European level have included in addition a vast array of communications, resolutions and reports, awareness-raising campaigns intended to draw attention to and fight the slave trade, but also comprehensive and costly policy programs such as *Stop* and *Daphne* targeted to combat human trafficking.

How can we explain this sudden and massive engagement of the European Union in the fight against trafficking in women since 1995? Why did trafficking in women only enter the political agenda of the EU in the mid-1990s even though the phenomenon of trafficking has existed at least since the 1970s? How can we account for the fact that, while an international anti-trafficking regime has been built up and institutionalized through various agreements since the turn of the century, trafficking in women only became a policy-issue in the EU starting from the mid-1990s?

Trafficking in Women in the EU: Quality and Dimension

Since the 1970s the phenomenon of trafficking in human beings has become visible in Europe and rapidly gained in proportion (Ghosh 1998: 25; Brussa 1991: 4; Hummel 1993: 128). Trafficking in the 1970s and 1980s was largely a North-South phenomenon with women being the main targets of the trade. The geographic origin of women and girls trafficked into Europe has changed over the past decades. Processes of political and economic transformation have altered the international landscape allowing the global sex industry to make inroads into new parts of the world (Salt and Stein 1997). During the 1970s it was mainly women from East Asia, especially from Thailand and the Philippines, who were trafficked into the member states of the European Community (Barry 1979). The 1980s witnessed an influx of women and girls trafficked into Europe's brothels from Latin America and the Caribbean, especially the Dominican Republic, Brazil, and Colombia, but also from Ecuador and Chile (Leidholdt 1996: 87), as well as to a smaller degree from Africa.⁵

⁵ De Stoop (1994: 103) identifies different waves in the trafficking of women: The first wave involved Asian women, the second South Americans and the third one African women, especially from Ghana and Nigeria.

The fall of the Berlin wall, the introduction of democratic rule in the Central and Eastern Europe together with the dissolution of the Soviet Union triggered far reaching economic and political transformation processes. One of their consequences was the immense rise in trafficking in human beings. After 1989, the countries of Central and Eastern Europe became the main source countries for women trafficked into Western Europe. The traditional North-South trafficking route has lost in proportion vis-à-vis the East-West dimension. The International Organization for Migration estimates that since the 1990s approximately 200,000 to 300,000 women are trafficked from the CEECs into Western Europe annually in order to work as prostitutes in cheesy bars, in brothels, or in so-called “love-mobiles”.⁶ Among the total of trafficked women most are from Central and Eastern Europe - especially from Albania, the Czech Republic, Hungary, Poland, Romania, Bulgaria and Ukraine (Siron and Baeveghem 1999; cf. also IOM 2000: 67-73).

From a migration perspective, trafficking is occurring at the nexus of pull and push factors (Martin 1994). Demand-pull factors such as level of development and prosperity, geographic access and prospects for employment, make certain countries, such as Western industrial societies, attractive for migration-seeking individuals. On the recipient side there is a booming sex market ready to offer a vast array of services and to cater to a wide range of (male) customer demands. Supply-push factors have to do with the circumstances in the country of origin, such as unfavorable economic, social or political conditions. In between this push-pull-dynamic there are trafficking networks, ranging from small gangs to large criminal organizations, that arrange for the smuggling of people (Uçarer 1999a, 1999b; IOM 2000: 44ff).

The reasons for the huge increase of sexual trafficking in Central and Eastern European women and girls since the 1990s are also complex and manifold. A major factor, however, is again the feminization of poverty in the CEECs. The dissolution of the Soviet state and the destruction of the Communist system has brought economic devastation for many women. The transition to a market economy in Central and Eastern Europe has resulted in huge job losses and increase in poverty. Women have been particularly affected, as in most CEECs unemployment is higher among women than among men. Traffickers profit from the fragile social and economic situation of women and lure their victims by promising them large earnings in the West. Ever since the fall of the Soviet Union, insecure prospects and scarce work opportunities, especially for women, set against the possibilities to reach higher

⁶ International Organization for Migration, Michael Specter, “Traffickers’ New Cargo: Naive Slavic Women”, in: The New York Times, 11 January 1998. See also <http://www.uri.edu/artsci/wms/hughes/catw/europe.htm>, 4/5/2000 and <http://www.fes.de/fulltext/id/00565001.htm>, 3/7/2000.

earnings in the West, have created a huge business potential for traffickers. Organized crime syndicates have moved into the vacuum left by the Soviet state, and the government has given a green light to small-time pimps and profiteers.

Explaining EU-Policy on Trafficking in Women

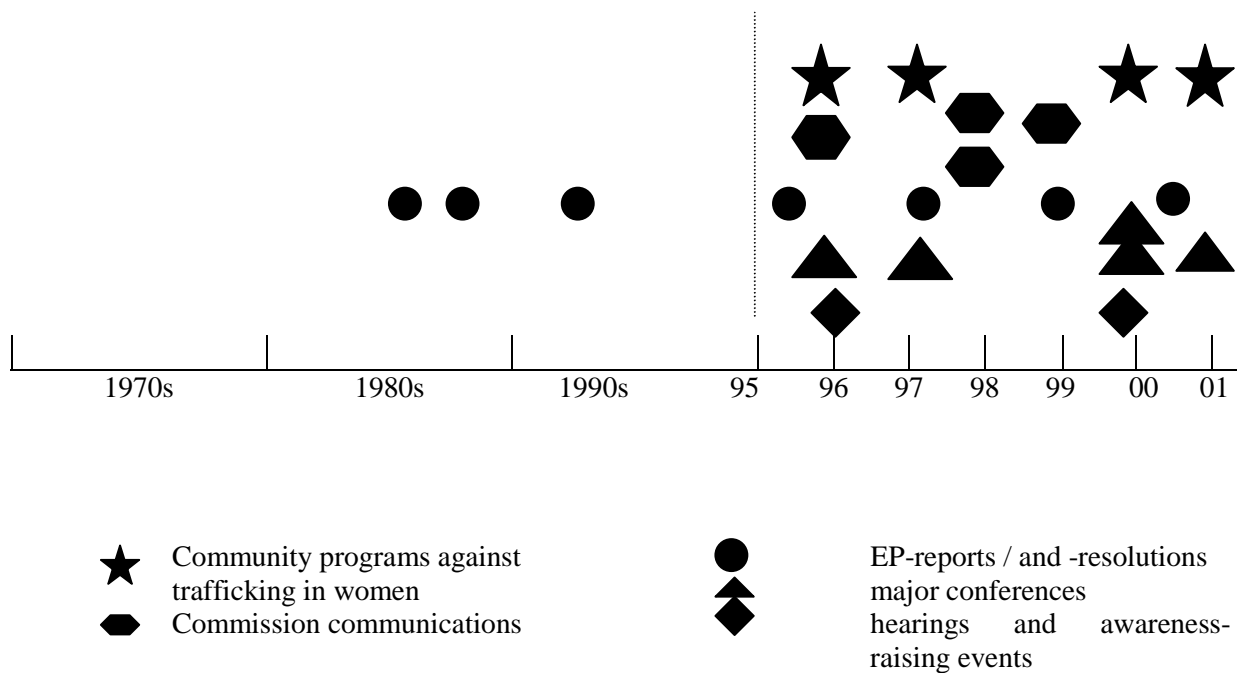
How did the European Union react to the problem of trafficking in women? In the 1970s and 1980s when the problem increased in the European Community, trafficking was only indirectly targeted by attempts to halt illegal immigration and to control prostitution. Aside from a few efforts of the European Parliament to address trafficking in the 1980s and early 1990s, the “sex trade in women” was not a political issue in the context of the EU and no distinct policy to combat the problem was enacted. Trafficking was only discussed in feminist circles and picked up by a few feminist politicians (see Barry 1979). After the end of communist rule in the CEECs and the fall of the Berlin wall, the problem of trafficking increased massively. Despite the new external pressure, the EU and most of its member states only reacted with tightening their borders and targeting organized crime, but not with a comprehensive and independent anti-trafficking policy. It was only in the second half of the 1990s that one could witness a sudden and massive engagement of the EU against trafficking in women, starting with high-level conferences and communications, leading to costly policy programs such as *Stop*⁷ and *Daphne*⁸ set up to combat trafficking and sexual exploitation to finally result in a unprecedented framework decision in 2001 establishing a common definition of trafficking and equal sentences for traffickers in all EU member states. In addition, with its inclusion in the Amsterdam Treaty, policies against trafficking in human beings have become part of the *acquis communautaire* and thus an intrinsic element of EU primary law.⁹ In retrospective, the issue of trafficking has undergone a tremendous development from a largely ignored and unrecognized topic ridiculed by most Eurocrats and politicians to a widely accepted and serious policy-issue with a firm standing on the political agenda of the European Union backed by key figures of the EU-administration.

⁷ The Stop-program was launched in fall 1996 after a communication from the Commission and its adoption by the Council in November of that year. It was set up as a joint action program which aimed at establishing an “incentive and exchange program for persons responsible for combating the trade in human beings and the sexual exploitation of children”. *Stop* stands for “sexual trafficking of persons”.

⁸ *Daphne* was set up as a joint action program to combat trafficking in human beings and the sexual exploitation of children. After a long decision-making procedure the *Daphne* initiative that had been started in 1997 was finally turned into a multi-annual program in January 2000.

⁹ Article 29 of the Treaty on European Union calls for an “area of freedom, security and justice” and names as one of its objectives the fight against trafficking in persons.

Figure 1: *Trafficking in Women – A Chronological Account of EU Policy Action*¹⁰



How can we explain the sudden and massive engagement of the European Union in the fight against trafficking in women since the second half of the 1990s? What changed trafficking in women from an issue that was not taken seriously to an important concern on the political agenda of the European Union? How can we explain the particular timing of the policy-invention? And how can we account for its specific scope and character?

„Revitalizing“ the Anti-Trafficking Norm

Trafficking in human beings is neither a recent phenomenon nor a new topic on the international political agenda. In fact there have been debates around trafficking – especially in women and children - since the late 19th century as well as international agreements since the beginning of the 20th century. These international provisions, which are intrinsically bound to specific historical and cultural contexts, preceding policy developments and shifting ideologies, lie at the heart of an international trafficking regime. The history of the early provisions on trafficking can be interpreted as the first steps in a norm “life-cycle” (Finnemore/Sikkink 1998: 895ff) covering the stages of “norm emergence” as well as

¹⁰ This figure only includes major events, core programs and final main documents.

international norm institutionalization. It seems appropriate to call those early provisions an “international regime” on trafficking since there were clear efforts to codify and institutionalize the anti-trafficking norm at the international level (see also Uçarer 1998). The process of institutionalization constitutes a major step in norm development as it endows norms with the power of legitimacy. Moreover, institutionalization also contributes to the creation of a community (of states) enforcing a sense of shared commitment and obligation. In order to belong to a certain community, states adhere to its values and norms.

Starting with the 1921 *Convention for the Suppression of the Traffic in Women and Children* multilateral efforts were backed and promoted by international organizations such as the League of Nations and the United Nations. As Risse/Sikkink (1999: 8) point out, international law and international organizations serve as “primary vehicles” for stating community norms and for collective acknowledgement of legitimacy. The institutionalization of norms - according to Finnemore/Sikkink (1998: 900) - also contributes strongly to the possibility for a “norm cascade” (Sunstein 1997) both by clarifying what exactly the norm is and what constitutes norm violation. In the case of the anti-trafficking norm this process of explication has been somewhat hampered by controversial, ambiguous and vague provisions on prostitution intrinsically linked to trafficking. The impenetrable conjunction with diffuse normative ideas on prostitution - and on respective gender roles - challenged diverse cultural and legal traditions and provoked emotional and moral responses which, particularly with respect to the 1949 Convention, impeded international cooperation against trafficking in human beings.

Nevertheless, the tipping point for the anti-trafficking norm was reached back in the first decades of the 20th century. As Finnemore/Sikkink (1998: 901) suggest, norm tipping rarely takes place before one-third of total states in the system adopt the norm usually by formally ratifying an international convention. With respect to the anti-trafficking norm the 1921 Convention under the League of Nations was already signed by 46 countries, at that point of time more than two thirds of the states in the system. While the 1933 agreement was only signed by 22 states and thus constituted a backlash, the 1948 Convention was ratified by 69 states, somewhat less than half of the UN member states.

International Agreement for the Suppression of the White Slave Traffic	International Convention for the Suppression of White Slave Traffic	International Convention for the Suppression of the Traffic in Women and Children	International Convention for the Suppression of Traffic in Women of Full Age	UN-Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of others
1904	1910	1921	1933	1949/51

norm emergence

norm cascade

tipping point

How was it possible to „revitalize“ the anti-trafficking norm in the European Union in the mid-1990s? And how could this be done so successfully that it could lead to a policy-change? Three factors – so my argument – have been crucial for „revitalizing“ and implementing the anti-trafficking norm on the European level: (1) actors in the “velvet triangle”; (2) effective frames

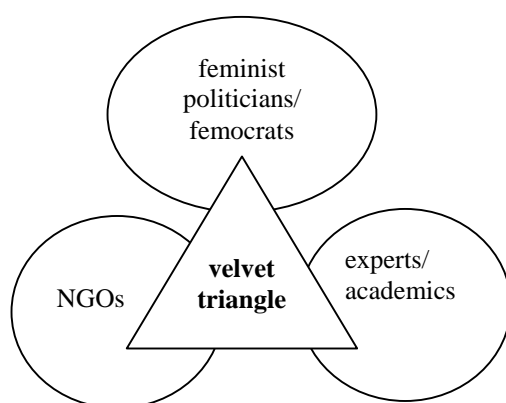
¹¹ Compare Uçarer (1999a: 238).

allowing for norm-linking; (3) political opportunity structures, in particular alterations in the formal rules embodied in the EU as an institution.

(1) *Actors* Alison Woodward (2000, 2001) has proposed the notion of the “velvet triangle” as a metaphor to capture the three major actors’ groups typically involved in gender/women’s politics at the EU level. They consist of first, *femocrats* and *feminist politicians*; second, *academics* and *experts*; and third, *non-governmental organizations*. The term femocrat describes a particular type of feminist bureaucrat, located in the different EU-institutions in higher and lower administrative ranks. Of greatest importance are femocrats appointed to high office within the Commission, particularly when serving in top position within the college of Commissioners. Feminist politicians are among the members of the European Parliament. Typically they are members of the EP’s Women’s Rights Committee. Academics and experts comprise scientists, university teachers and gender professionals that often serve in advisory committees or consultant companies involved in gender policy-making. The third group of actors includes NGOs and NGO-networks, such as women’s rights and more specifically anti-trafficking NGOs which have typically emerged out of the women’s movement.

The “velvet quality” of the triangle refers to the fact that most of the involved agents operate in a male-oriented environment (Woodward 2001: 35). The “softness” of the triangle captures its potential openness and its fluid borders. In the “velvet triangle” actors matter as gendered agents sharing a feminist collective identity. This collective identification as feminists committed to advance women’s emancipation and women’s rights appears as strong enough to create alliances across national differences, institutional cultures, and party-lines. Empowered to act as feminists, these individuals combine the powers they derive from being officers of diverse institutions: EU institutions, universities, think tanks and NGOs. They are doubly empowered – as agents of these institutions and as agents of the feminist movement.

Figure 3: *The “Velvet Triangle”*



In the center of the concept is the successful interplay of these different types of actors. Woodward (2001: 36) describes the interaction between the different actors of the “velvet triangle” as characterized by close connections and personal relationships of women sharing the same normative ideals and biographical experiences. New ideas for policy action, scientific analysis and strategies are developed in a safe framework and a mutually acknowledged network of relationships. With their different positionings – located inside, outside and somewhere in-between the formal EU institutions - members of the “velvet triangle” are able to act as a powerful alliance in pushing and promoting gender equality norms and women’s rights. Depending on their formal position, their particular experience and background, they are endowed with specific skills and types of knowledge: Whereas academics and experts possess *technocratic knowledge* comparable to that of epistemic communities, femocrats and feminist politicians as insiders are endowed with a particular *procedural knowledge* concerning the norms, rules and procedures of the institutions they are part of, whereas NGOs and the women’s movement have *testimonial knowledge* based on (first-hand) experience stemming from their contact with grass-roots movements and local actors.

Concerning the issue of trafficking in the EU in the 1970s and 1980s, the “velvet triangle” was not fully developed yet: Feminist politicians in the European Parliament could not establish strong inter-institutional links to other femocrats, not least due to a dearth of (feminist) women in power positions in the Commission and the Council. Moreover, gender experts and academics were not systematically included in EC policy-making and remained largely outside formal institutions. While the women’s movement reached a peak in the 1970s, the European Community was not among the main targets of women’s organizations and NGOs. Moreover, there were only few anti-trafficking NGOs and no transnational European NGO-network that focused on trafficking in women. In contrast, since the mid-1990s the “velvet triangle” started to function as a winning coalition of committed agents in different locations who successfully collaborated for advancing a common cause combining distinct and complementary types of knowledge.

(a) *feminist politicians/femocrats* While the EP has been a traditional stronghold of feminist politicians, the number of female MEPs remarkably increased over time amounting to almost a third of all parliamentarians in the current legislature. The quantitative increase in general led to a more supportive climate for women’s and gender-equality-issues in the

European Parliament in the 1990s. In retrospect, it becomes evident that the EP's Women's Rights Committee (WRC) as a foremost site for promoting gender policies was one of the main bodies within the European institutions to consistently and vigorously push for policy-action against trafficking in women. The WRC appointed widely recognized rapporteurs – such as Hedy d'Ancona, Maria Colombo-Svevo, Lissy Gröner, Patsy Sörensen and others – who put tremendous efforts in pushing trafficking in women on the political agenda of the EU. The WRC provided the institutional framework in which committed feminists experienced a safe and supportive environment that allowed for progressive advances in gender politics. These included delicate “body-politics” issues such as trafficking, which threatened to undermine the traditional public-private split and accordingly the separation between the political and the a-political by touching on violence and sexuality. To promote a Community engagement in these new policy-areas also meant to transgress the traditional scope of gender equality policies in the EU that have largely been confined to the narrow realm of work and formal employment.

Beginning in the mid-1990s, feminist MEPs could consolidate their links to femocrats in the Commission and the Council. Of major importance was the appointment of women in top decision-making positions in the Commission. The nomination of the Swede Anita Gradin in 1995 as new Commissioner for Justice and Home Affairs constituted a decisive step as one of her declared priorities in office was the fight against trafficking in women. She was able to foster strategic alliances with women Ministers in the Council, such as Nora Owen from Ireland or the German Herta Däubler-Gmelin, whose support and votes were critical for adopting anti-trafficking measures at EU-level. With the demise of the Santer-College in 1999, Anita Gradin also had to leave office. Despite the fears that after Gradin had resigned her office there would be a lack of commitment in the DG JHA to the cause of trafficking, her successor, the Portuguese Commissioner António Vitorino, continued in the fight against trafficking. Moreover, Vitorino closely worked with the Greek Commissioner of Social Affairs and Employment (DG V), Anna Diamantopoulou, who was also appointed in 1999 as member of the new Prodi-College. The new collaboration between the two DGs contributed to the further consolidation of anti-trafficking measures as the proposal for a new framework decision on trafficking in 2001 revealed.

(b) experts/academics In the 1970s and 1980s, experts and academics did not play an important role in the different EC-institutions with respect to gender policies in general and trafficking in particular. It was only later on, that the EU started to systematically include gender experts and researchers in different policy networks, advisory and ad hoc committees,

where they were able to work together with femocrats and other Eurocrats on a more permanent base. Most important was the advisory committee of the Commission in gender policies, including gender-policy experts and academics from various member states. Moreover, the EU's preparations for the Women's World Conferences, particularly the Beijing Conference in 1995 and its follow-up session in 2000, clearly revealed the importance attributed to external experts and academics who were invited to different preparatory workshops. Concerning the issue of trafficking, the European Parliament on several occasions drew on experts and researchers, particularly from other international organizations such as the IOM, the Council of Europe, and Europol, to underline the gravity and magnitude of the issue of trafficking in women.

(c) *NGOs* In the 1970s and 1980s, despite the activities of the second women's movement, women's NGOs rarely focused on the European Union. For them, the international and the national levels were much more important in advancing women's emancipation. Moreover, there were only few international anti-trafficking NGOs and even fewer European organizations active in the fight against trafficking in women. The creation of the European Women's Lobby as an umbrella organization set up to aggregate the voices of European women's NGOs was a first attempt of the Commission to establish an institutionalized link between women's NGOs and the European institutions. Only in the mid-1990s, in the aftermath of the Beijing Conference that served as a networking factor, grassroots organizations and NGOs in the EU member states started to set up a European network of anti-trafficking NGOs (EUNATW). Because they framed trafficking as a human rights question and an issue of violence, anti-trafficking NGOs could also form alliances with human rights and women's rights NGOs as well as with anti-violence and health networks. Over time, NGOs developed more effective and more professional strategies to lobby the European Union. They helped bring about an extension and consolidation of the EU's anti-trafficking policies, in particular in the latest EU framework decision on trafficking. The mid-1990s also witnessed a greater interest of the Commission in strengthening its relations to civil society. In the new policy-field of trafficking, the Commission started to involve NGOs mainly for policy-implementation purposes, such as for example in the context of the violence campaign or the *Daphne* program. While NGOs had an interest in tapping EU funds, their lacking involvement in the actual policy-making process and the supposedly instrumental use of NGOs by the Commission provoked a certain discontent (see also Uçarer 1998).

Overall, since the mid-1990s actors in the "velvet triangle" not only strengthened their own positions, but, most importantly, developed strong links between each other in order to

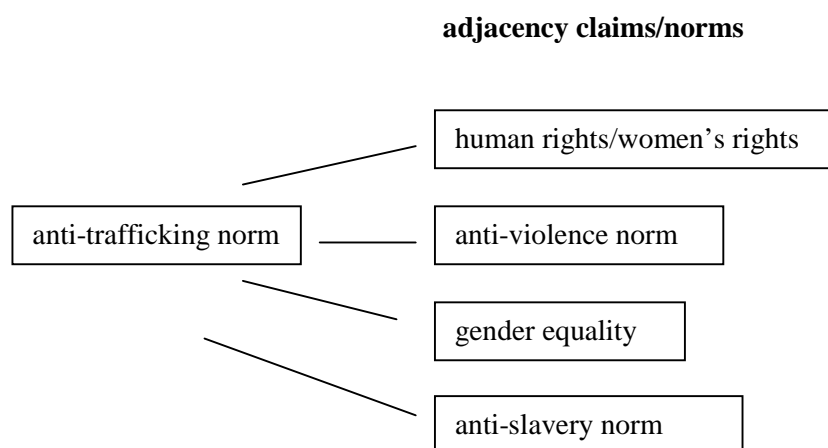
form a winning coalition. Committed feminists in distinct locations and different positions in- and outside the formal institutions of the EU collaborated and shared their different types of knowledge to advance their common cause. The case-study reveals that actors against trafficking mattered as gendered agents. What can be observed for so-called “women’s issues” in general also applies to trafficking: It was women sharing a feminist collective identity who engaged in the fight against trafficking. Women contributed to create the momentum necessary to push trafficking in women on the political agenda of the EU. It was only in the later consolidation-stage that men joined their efforts and were consciously involved by feminist parliamentarians and femocrats in the EU in order to broaden EU-wide support.

(2) *Frames and norm-linking* When the EU first addressed the issue of trafficking in women, it did so under the overarching frame of “illegal immigration” - a frame that fit the non-formalized institutional rules of the EU. Trafficking in human beings was reduced to a problem of illegal immigration that could be controlled through measures such as tightening visa policies and stricter control of foreigners. If there was any national and intergovernmental response to the problem of trafficking at all in the 1970s and 1980s, it came in an ad hoc manner within the immigration framework. European states concentrated their efforts on legislating barriers to trafficking at the borders and on attempts to deport individuals - primarily the trafficked women - which were caught in the act. Some European countries, as Wijers (2000: 223) points out, explicitly excluded (alleged) prostitutes from legal immigration by arguing that, in doing so, they were combating trafficking in women.

The majority of EC member states at that point of time had no specific legislation addressing trafficking in women, but maintained that trafficking was addressed through general provisions regarding the exploitation of prostitution. In general these provisions criminalized third party involvement, including facilitating or promoting prostitution (Koostra/La Strada 1996; Wijers/Lap-Chew 1997; Wijers 2000: 212). The spectrum of state responses to prostitution ranged from legalization (e.g. Germany, Austria, Spain, Luxembourg, Netherlands), to systems of toleration where prostitution is not officially allowed but also not illegal (e.g. Greece, France, Portugal), to a criminalization in states where prostitution is illegal (e.g. Ireland). Given the patchwork of approaches to prostitution in the different member states of the EC and the general sensitivity of the issue, it is hardly surprising that no coordinated approach to trafficking via dealing with prostitution could be achieved.

It was only after 1995 that actors of the “velvet triangle” were able to “infuse” new frames and to challenge the non-formal rules of the EU-institutions. Of major importance were the UN-World Conferences of the 1990s, most importantly the Vienna World Conference on Human Rights in 1993 where women’s human rights were promoted and the Beijing World Conference on Women in 1995 where the anti-violence norm gained prominence. Both norms and their related normative frames entered the European Union in around two years time ready to be applied as frames for trafficking in women that could then be cast accordingly as “violation of women’s human rights” and as “violence against women”. Since these particular frames proved to be successful and resonated well with political elites and a larger public, they strongly contributed to the EU-engagement against trafficking.

Figure 4: *Norm-Linking*



In addition, feminists also invoked the equality-norm which had already been firmly established on the EU-level in various gender policy measures, equal opportunity programs and gender equality Directives to push for policy-action by casting trafficking in women as a problem of unequal gender relations. Moreover, the late 1990s witnessed a revival of the old anti-slavery norm as part of a newly emerging discourse on “modern forms of slavery”. From this perspective, trafficking in women could be cast as a particular form of contemporary slavery along with other cruel practices such as forced labor, child labor, and child soldiers. Framing trafficking as slavery and part of a “modern slave trade” invoked gruesome and emotive images that entailed strong mobilizing power.

Figure 5: *Normative Frames Employed for Trafficking in Women in the EU*

<i>adjacent norms</i>	human rights/women's rights norm	anti-violence norm	anti-slavery norm	equality-norm
<i>normative slogan</i>	"women's rights as human rights"	"violence against women"	"abolition of slavery"	"equal rights for men and women"
<i>normative frame invoked for trafficking in women</i>	trafficking = "a violation of women's human rights"	trafficking = "violence against women"	trafficking = "contemporary form of slavery" and "modern slave trade"	trafficking = "expression of the inequality between men and women"

The international level, particularly the UN-World Conference on Human Rights and Women, provided important points of references for actors in the "velvet triangle". Norm-entrepreneurs with a strong international orientation invoked these norms in order to effectively frame trafficking at the regional level. The international level also provided the tools and strategies to successfully present trafficking in women, such as, for example, the "human rights methodology", i.e. presenting facts and numbers, or testimonies as part of hearings. Actors in the "velvet triangle" proved to be strategic "two-" or even "three-level norm-game players" moving easily between the international and the regional level as well as the national level. Feminists strategically used the newly opening up policy space that emerged from linking the regional and the international.

As part of their strategy, feminist parliamentarians and femocrats also appealed to a particular "European identity" and to the EU as a "community of values" in order to mobilize support for the fight against trafficking. A common "European identity" bound together by shared norms and values could not allow trafficking in women – this "slave trade" and "violation of human rights" - to take place on its territory and within its borders. As Gradin stressed in a statement at one of the initial EU anti-trafficking conferences in Vienna in 1996:

"No country is completely free of the trade in women ...They [the trafficked women; B.L.] are driven away by poor conditions in their home country and forced into a deplorable life. It's a shame for all our

*countries! It's a shame for Europe and a shame for us as Europeans!"*¹²

As a community of states and a “community of values” Anita Gradin called upon the European Union to act in order to uphold and defend its basic principles. On the base of a common identity as Europeans she argued that “European nations have a duty to help the victims of the cruel trade”.¹³

(3) *Political opportunity structures* Exogenous events and changes in the formal institutional rules of the EU are conceived as features of the political opportunity structure. At the international level, the end of communist rule in Eastern and Central Europe constituted a major exogenous event which severely altered the quality and quantity of the trafficking flows. This new dimension in trafficking in turn exerted more pressure on the European Union. At the national level, the Dutroux-scandals in Belgium in 1996 constituted another exogenous event that helped to trigger policy-action. In June 1996, Marc Dutroux, an unemployed Belgian electrician, was found to have abducted, tortured, and killed at least seven young girls. The Belgian public reacted with an unprecedented outcry and people began taking to the streets in Brussels. A “white movement” of protest took hold of the entire country demanding accountability from the media and the state and called for action against sexual exploitation. The Belgian sex-scandals coincided with the efforts of Anita Gradin and her allies to push trafficking on the political agenda of the EU, allowing for a strategic move to push for action. Moreover, the Women’s World Conferences – particularly Beijing and Beijing+5 – provided additional “windows of opportunity” for internationally oriented actors of the “velvet triangle” to push for anti-trafficking measures at the regional level.

Major changes in the formal institutional rules of the EU beneficial for combating trafficking at the Community-level came with the Maastricht Treaty in 1992/1993 which established the third pillar (Justice and Home Affairs) giving the Commission more leverage to act in JHA-matters, under which trafficking was largely subsumed. The Amsterdam Treaty in 1997/1999 not only for the first time included the fight against trafficking in human beings in primary law, but also brought about decisive institutional changes such as a strengthening of the powers of Parliament. The enhanced role of the EP was particularly visible in the co-decision procedure applied in the decision-making process leading to the *Daphne*-program. Moreover, the Commission was endowed with greater leverage in JHA since the Tampere

¹² Reuters News Service: “Austria: Lure of West turns sour for thousands of women”, 10/6/1996.

summit in 1999 and the creation of an “area of freedom and justice”. The newly acquired competencies became visible in the proposal for a framework decision that the Commission tabled at the beginning of 2001. Changes in the formal rules, norms and decision-making procedures and the strategic usage of these newly emerging opportunity structures also played an important role in pushing trafficking in women on the political agenda of the EU.

Conclusion: Alternative Explanations & Further Theoretical Reflections

From a utilitarian point of view one could argue that the problem of trafficking constituted a classical cooperation dilemma. If one follows this logic, one would assume that EU member states shared a vital interest in addressing trafficking in women collaboratively due to expected cooperation benefits. The empirical study, however, showed that the problem of trafficking existed long before the EU-engagement. Accordingly, this time-lag can only be accounted for on the base of some quite profound changes in governments’ interests. The end of communist rule in Central and Eastern Europe and the fall of the Berlin wall constituted a major structural change that severely altered the quantity and quality of the trafficking problem exerting new pressure on governments and the EU. Moreover, the envisioned entry of the candidate countries from Central and Eastern Europe into the Community constituted another important structural change. Since the CEECs are the main source countries for trafficked women, their rapprochement to the EU could be seen as a main reason for the Community to address the issue of trafficking in women.

Even though these structural changes increased the pressure for the European Union to act and contributed to a shift in member states’ interests, they only provide partial explanations. For utilitarian approaches the exact timing of the policy-innovation is difficult to explain, particularly the time-lag between the fall of the Berlin wall and the long years before the first steps toward a Community engagement in the mid-1990s were made. Moreover, conceiving of the prospect of enlargement as the sole rationale behind policy-action also encounters empirical problems: Neither *Stop* nor *Daphne* have been open to the candidate countries when there were first enacted. If the enlargement-perspective had been the main motivation for engaging in anti-trafficking policies, one would have expected an immediate involvement of these countries in the programs – this, however, only came at the time of the programs’ renewals in 2000 and 2001. Moreover, if EU-enlargement had been the major driving force behind actions against trafficking, one would also expect that trafficking

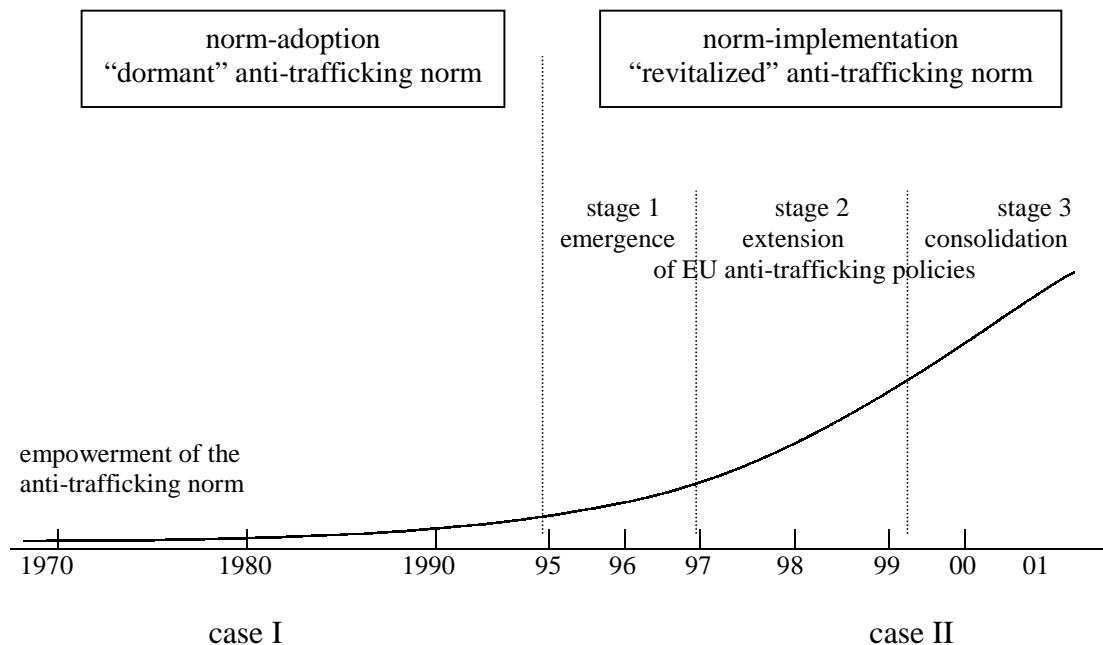
¹³ *ibid.*

would have played a major role in the negotiations with the candidate countries at a much earlier point of time.

From a utility-maximizing logic of behavior, it is hardly plausible why the traditional migration frame (that conceives of trafficking mainly as a problem of illegal immigration) and the criminality frame (trafficking as an issue of organized crime) were broadened in a way to include a new human rights and women's rights perspective and moreover an anti-violence approach that implied costly policy programs but no obvious additional benefits. Accordingly, the specific set-up of *Stop* and *Daphne* are rather difficult to comprehend within utilitarian theorizing. While one could posit that these policy programs were not critical for member states as they did not involve "political costs", for example, losses in national sovereignty, this argument is not tenable anymore for the latest EU framework decision, which clearly comes along with behavioral constraints and internal sovereignty costs. Cooperation benefits from a utility-maximizing logic of behavior could primarily be expected for tackling illegal immigration and organized crime. To commit to a particular common anti-trafficking policy based on certain norms such as human rights and women's rights and to take behavioral constraints and sovereignty losses upon oneself in order to fight trafficking in women can hardly be explained solely on the basis of cost-benefit-calculations. While a rational choice approach could be invoked for the pre-1995 period, it is of limited reach with respect to the specific character of the anti-trafficking policy of the European Union in the second half of the 1990s. With respect to the developments since the mid-1990s, it becomes obvious that utilitarian theories are underspecified as instrumental cost-benefit calculations do not suffice to account for the exact timing and the particular scope and character of the policy-innovation in the area of trafficking in women.

The limited range of utilitarian theories for explaining the case at hand takes us back to the constructivist approach that has been advanced for the empirical problem of this study centering around the concept of "norms". I have argued that from a norm-based constructivist perspective, the EU's engagement in anti-trafficking policies since the second half of the 1990s can be explained as an expression of the "revitalization" of the earlier adopted, however "dormant" anti-trafficking norm. This argument is graphically illustrated in the following figure.

Figure 6: *The Anti-Trafficking Norm: From Norm-Adoption to Norm-Implementation*



My basic theoretical argument was that the EU's engagement against trafficking in women in the second half of the 1990s was norm-driven, i.e. I claim that the main push for policy-action was owed to the *power of norms*. I have made a specific proposal for *which* norms matter *when*, *how* and *under what conditions* by specifying three sets of enabling factors or intervening variables. In the light of this result, I wish to reconsider several common proposals that have been put forward in the literature for explaining the power for norms.

In order to provide an answer to the question *which* norms matter, Keck/Sikkink's (1998) stress the "intrinsic character" of norms. The authors claim that norms which involve bodily integrity and legal equality of opportunity tend to be particularly successful transnationally and cross-culturally. In the case of the anti-trafficking norm it seems that particular characteristics of a norm are not *a-priori* given or self-evident as Keck/Sikkink suggest, but need to be made explicit by actors who strategically emphasize certain aspects of a particular norm in order to invoke public sympathy and support. Norm-entrepreneurs and "velvet triangle"-actors have spent much energy on revealing the "body-aspect" of the anti-trafficking norm. The anti-trafficking norm – particularly when applied to trafficking for

sexual exploitation – addresses bodily harm, sexual violence and physical abuse in its most severe form. Norms involving bodily injury are particularly effective when a short causal chain exists between cause and effect, as is the case for trafficking. For the anti-trafficking norm, the Dutroux-scandals provided the opportunity to point to its “body-quality”. Moreover, the Belgian events also vividly revealed the protective quality of the norm aiming at safeguarding the most vulnerable or “innocent” groups in society - young women and children - from harm and exploitation. Not least the shocking pictures of the sexually abused girls on the front pages of the European newspapers forcefully revealed the “body-dimension” entailed in the anti-(sexual)violence and anti-trafficking norms, causing a public outcry across European societies and provoking the start of political action at EU-level.

The anti-trafficking norm also entails aspects of the second “intrinsic character” considered beneficial by Keck/Sikkink (1998) for the success of a norm – namely legal equality of opportunity. The anti-trafficking norm invoked for combating the sexual trade in women touches upon questions of equal opportunity as trafficking is made possible by an exploitative and vulnerable situation of women and girls who fall victim to traffickers. Moreover, trafficking involves an abusive relationship between traffickers/pimps and their victims who are deprived of their most fundamental human rights. Again, this characteristic of the norm is not automatically given: Feminist parliamentarians and femocrats since the mid-1990s and onwards have consciously linked discourses on gender-equality, women’s economic and social discrimination, women’s rights and trafficking in order to point to the equality-dimension inherent in the anti-trafficking norm. Moreover, by addressing the role of the client, feminists have stressed the patriarchal structure of gender orders involving on a most fundamental level unequal and exploitative sexual relations between men and women. Consequently, promoting the anti-trafficking norm meant arguing for equality and equal opportunities for women and girls – a claim that resonated well across European societies.

Another crucial factor for norm-success that Keck/Sikkink (1998) mention concerns adjacency claims or path dependence. The authors argue that the relationship of a new norm to existing norms impacts its “success” (see also Checkel 1998: 87). This appears particularly relevant for norms that are institutionalized through international law as a new norm needs to fit within the existing framework. This “fit” in many cases is not naturally given, but actively constructed by activists who seek to promote the norm by consciously linking it to the existing normative framework (Price 1995). The trafficking-case shows a reversed order: Here a norm that is adopted but not implemented benefits from new norms that can be consciously linked by actors to the old and “dormant” norm and “revive” and “revitalize” it

by providing interpretations and perspectives that resonate with people at a certain time. In this respect, the case study suggest a kind of “reversed path-dependency”.

The third factor involves what has been called “world time” (see also Risse et al. 1999). This notion points to particular historical settings that appear as beneficial for norms and their diffusion but – as this study shows - also for their implementation. Finnemore/Sikkink (1998: 909) suggest that the speed of normative change has accelerated significantly since the later part of the 20th century not least due to new means of communication and an increasing level of economic and political interdependence. In addition, the expansion of international organization, among them particularly the United Nations, together with a rapid numeric and quantitative increase of world conferences held under the auspices of various organizations, also exerts positive influence on this acceleration process. The case of the anti-trafficking norm shows that this process is not limited to norm-diffusion but can also come to include norm-implementation. Concerning the anti-trafficking norm, the Human Rights Conference in Vienna in 1993 and the Women’s World Conference in Beijing in 1995 significantly contributed to the “revitalization” and final implementation of the anti-trafficking norm on the regional level.

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